



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, 3rd Floor  
New York, New York 10007*

April 7, 2022

**BY ECF**

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: *Avon Nursing & Rehabilitation, et al. v. Becerra*,  
No. 18 Civ. 2390 (LTS)(SDA)

Dear Judge Swain:

This Office represents defendant Xavier Becerra, Secretary of the U.S. Department of Health and Human Services (the “government”), in the above-referenced matter. Presently, the government’s cross-motion for summary judgment/opposition to plaintiffs’ motion for summary judgment is due on Wednesday, April 13, 2022. (ECF No. 88). Respectfully, we write to request that the Court extend that deadline, as well as the other deadlines in the parties’ present briefing schedule, by one week, as follows:

- Wednesday, April 20, 2022: government’s cross-motion for summary judgment/opposition to plaintiffs’ motion for summary judgment
- Friday, May 20, 2022: plaintiffs’ opposition to the government’s cross-motion/reply in further support of summary judgment
- Friday, June 3, 2022: government’s reply in further support of its cross-motion

We make this request because, owing to the press of business, this Office and HHS require additional time to coordinate and finalize their filing. This is the government’s first request for an extension of its briefing deadline; the Court granted plaintiffs’ prior extension requests. (ECF Nos. 74, 88). Plaintiffs consent to this request.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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United States Attorney for the  
Southern District of New York

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cc: *Plaintiffs' counsel* (by ECF)

The modified schedule is approved.  
DE 93 is resolved.  
SO ORDERED.  
/s/ Laura Taylor Swain, Chief USDJ  
4/8/2022